

REMARKS

Applicant has carefully reviewed the Application in light of the Advisory Action mailed March 24, 2011 and Final Office Action mailed December 8, 2010. At the time of the Office Action, Claims 1-2, 6-10, 12-15, 18-21, 25, 27-30, 32-37, 44-50, 59-60, and 67-85 were pending in the Application. Claims 1-2, 6-9, 15, 18-21, 37, 59, 67-69, 73-79, 81, and 84 are allowed. Claims 1, 10, 12-14, 25, 27-30, 32-36, 44-50, 60, 70-72, 80, 82-83, and 85 were rejected. Applicant amends several Independent Claims without prejudice or disclaimer in an effort to expedite the prosecution of this case. The amendments to these claims are not the result of any Prior Art reference and, thus, do not narrow the scope of any of the claims. Furthermore, the amendments are not related to patentability issues and only further clarify subject matter already present. All of Applicant's amendments have only been done in order to advance prosecution in this case. Applicant respectfully requests reconsideration of the pending claims and favorable action in this case.

Interview Summary for April 8, 2011

Applicant thanks the Examiner for the telephone interview on April 8, 2011, and for the thoughtful consideration of this case. No agreement was reached as a result of the Interview. Any subsequent amendments to the claims were not based on reasons related to patentability, and Applicant reserves the right for future commentary concerning the rationale behind these amendments.

Allowable Subject Matter

Applicant acknowledges and appreciates the Examiner's indication that Claims 1-2, 6-9, 15, 18-20, 21, 37, 59, 67-69, 73-79, 81, and 84 are allowed.

### Section 103 Rejections

The Examiner rejects Claims 10, 14, 25, 29-30, 35-36, 42, 46-50, 60, 72, 80, 82-83 and 85 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,721,334 issued to Ketcham (hereinafter "*Ketcham*") in view of U.S. Patent No. 5,781,726 issued to Pereira (hereinafter "*Pereira*"), in further view of U.S. Patent No. 6,775,709 issued to Elliot (hereinafter "*Elliot*"). The Examiner further rejects numerous claims under 35 U.S.C. §103(a) as being unpatentable over various references including U.S. Patent No. 5,964,837 issued to Chao et al. (hereinafter "*Chao*"), Simpson ("RFC 1661: Point-to-Point Protocol," July 1994) (hereinafter "*Simpson*") and Rosenberg et al. ("An RTP Payload Format for User Multiplexing," May 1998) (hereinafter "*Rosenberg*").

Applicant respectfully reminds the Examiner that to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation; either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all of the claim limitations.<sup>1</sup>

It is respectfully submitted that the rejected claims are patentable over the art of record based on at least the third criterion of obviousness: none of the references alone or in combination teach, suggest, or disclose each claim limitation of the Independent Claims. The Examiner has indicated a number of allowable limitations, where variations of these allowable limitations have been incorporated into each of the Independent Claims. For at least these reasons, the Independent Claims are allowable over the cited references, or combination of references. Additionally, the corresponding dependent claims from these Independent Claims

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<sup>1</sup> See M.P.E.P. §2142-43.

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are also patentably distinct for analogous reasons. Notice to this effect is respectfully requested in the form of a full allowance of these claims.

CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicant respectfully requests reconsideration and allowance of the pending claims.

The Request for Continued Examination fee for \$810 and one-month extension fee for \$130 are being paid concurrently herewith via the Electronic Filing System (EFS) by way of Deposit Account No. 50-4889 authorization. No additional fees are believed due. However, please apply any other charges or credit any overpayment to Deposit Account No. 50-4889 of PATENT CAPITAL GROUP, referencing the attorney docket number referenced above.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicant invites the Examiner to contact Thomas J. Frame at (214) 823-1241.

Respectfully submitted,

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